

Practitioner's Docket No.: U 016502-0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Helge H. Rasmussen, et al Art Unit 1614

Serial No.: 10/594,160

Examiner: CLARK, SARA E.

Filed: May 24, 2007

Confirmation No. 8069

For: **METHODS AND COMPOSITIONS FOR THE TREATMENT OF
MYOCARDIAL CONDITIONS**

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)

(36 C.F.R. 1.114)

Applicant hereby requests continued examination, in accordance with 37 C.F.R.
Section 1.114, for the above-identified application.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;*

Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for
Patents, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. 1.10*

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____
(mandatory)

TRANSMISSION

☒ transmitted electronically to the Patent and Trademark Office.

Signature

Date: April 16, 2010

Janet I. Cord

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application

- ii. ☒ Payment of the issue fee
 ☒ Prior to payment of issue fee
 ☐ Issue fee has been paid but a petition under Section 1.313 has been
 granted

- iii. ☒ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 ☐ A notice is being separately sent to the Board of Patent Appeals &
 Interferences that this Request for Continued Examination is being
 filed.

NOTE: If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.

- iv. ☐ After decision on appeal but prior to appeal to the U.S. Court of Appeals of
 the Federal Circuit under 35 U.S.C. 145 or Commencement of a civil action
 under 35 U.S.C. 146 and submission amends all rejected claims or shows
 facts (MPEP 706.07(h) (XI)(A)).
 ☒ Prior to the filing of such appeal or commencement of civil action
 ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Do not automatically enter any prior unentered amendment(s) if herewith as the required submission is/are:

☐ Request hereby to enter unentered amendment(s) of _____.

☒ An amendment

☒ New arguments

☐ New evidence in support of patentability

WARNING: *If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).*

☒ An information disclosure statement (37 C.F.R. Section 1.98)
(see also Note 2, page 2)

☒ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Other:

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

☐ Small entity (and status is still as small entity) \$ 405.00

☒ Other than a small entity \$ 810.00

Continued Prosecution Request Fee \$ 810.00

FEE FOR CLAIMS

NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claim fees (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 CFR 1.53(d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in § 1.16; and

Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

					OTHER THAN A				
(Col.1)		(Col. 2)		(Col. 3)	SMALL ENTITY		SMALL ENTITY		
Claims									
Remaining		Highest No.			Addit.		Addit.		
After		Previously		Present					
Amendment		Paid For		Extra	Rate	Fee	OR	Rate	Fee
Total	*	Minus	**	=	x \$26=	\$		x \$52 =	\$
Indep.	*	Minus	***	=	x \$110=	\$		x \$220=	\$
[] First Presentation of Multiple Dependent Claim					+ \$195 =		\$	+ \$390 = \$	
					Total		Total		
					Addit. Fee		\$	OR	Addit. Fee \$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. Section 1.116.

EXTENSION OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00

NOTE: As the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-months maximum period specified in 35 U. S. C § 133, the period for filing an appeal brief may be extended up

<input type="checkbox"/> five months	\$ 2,350.00	\$ 1,175.00
	Fee	\$ <u>1110.00</u>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 1110.00

OR

- (b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

WARNING: *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$ 810.00

Fee(s) for additional claims (if any) (Section 1.16(b)-(d)) \$ _____

Extension of time fee (if any) (Section 1.17(a)(1)-(4)) \$ 1110.00

Total Fee(s) Due: \$ 1920.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

☐ Check is attached for the sum of \$ _____

☒ Charge Account 12-0425 the sum of \$ 1920.00

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) or refund overpayment to

☒ Deposit Account 12-0425

INVENTORSHIP

NOTE: Any change of inventors must be via the procedure set forth in 37 C.F.R. Section 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48 is/has separately:
- ☐ being filed
- ☐ been filed

DEFERRAL OF EXAMINATION

10. ☐ A Request for Suspension of examination accompanies this request for continued examination. (See, 9-68 or *Petition for Suspension*)

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00140

PATENT TRADEMARK OFFICE

SIGNATURE OF PRACTITIONER

Janet I. Cord

(type or print name of practitioner)

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